

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

HADIS NUHANOVIC,

Defendant.

Case No. 2:20-CR-00151-RAJ

DEFENDANT’S RESPONSE TO
THE GOVERNMENT’S
MOTION FOR ENTRY OF A
PROTECTIVE ORDER

The Government has filed a Motion for Entry of a Protective Order Restraining Certain Forfeitable Property and seeks a protective order restraining \$100,000 in U.S. currency that was seized at Defendant Hadis Nuhanovic’s (“Mr. Nuhanovoc”) residence on or about August 19, 2020 (the “Subject Currency”).

Dkt. No. 73.

Counsel for Mr. Nuhanovic objects to the assertion that “*there is probable cause to believe the Subject Currency is subject to forfeiture.*” Dkt. No. 73 at 10. Special Agent Donald Santiso’s affidavit states that the Subject Currency was loaned to Mr. Nuhanovic by “*Client-1.*” Dkt. No. 73-1 at 4. But there is no specific evidence that the Subject Currency was derived from an illegal source or

1 that the loan itself was somehow illegal. Moreover, there is no specific evidence
2 that the Subject Currency was going to be used or intended to be used for an illegal
3 purpose. Special Agent Satiso's affidavit states that the Subject Currency was
4 going to be used "*allegedly to purchase dietary supplement inventory to be sold by*
5 *Defendant Nuhanovic through one or more of his 3P seller accounts....*" Dkt. No.
6 73-1 at 4. Even if this is true, the act of purchasing dietary supplements is not a
7 crime.
8

9 Counsel for Mr. Nuhanovic also objects to the Government's assertion that a
10 protective order is necessary "*[t]o preserve the Subject Currency's availability for*
11 *forfeiture...*" Dkt. No. 73 at 10. As Special Agent Satiso's affidavit states, Mr.
12 Nuhanovic filed a claim for the Subject Currency, requesting that the Subject
13 Currency be referred to the United States Attorney's Office for judicial forfeiture.
14 Dkt. No. 73-1 at 11. Mr. Nuhanovic, however, has not requested the immediate
15 return of the funds, nor does he have any intention of doing so until the conclusion
16 of the criminal case. The claim referenced in Special Agent Satiso's affidavit was
17 made simply to preserve Mr. Nuhanovic's right to the funds under 18 U.S.C. §
18 983(a)(2).
19
20

21 For these reasons, Counsel objects to the Government's assertions that there
22 is probable cause to believe the Subject Currency is subject to forfeiture and that a
23
24
25

1 protective order is necessary to preserve the Subject Currency's availability for
2 forfeiture.

3 This 26th day of January, 2021.
4

5
6 PATE, JOHNSON & CHURCH, LLC

7 /s/ Jess B. Johnson

8 Jess B. Johnson

9 Georgia Bar No.: 322066

10 Pate, Johnson & Church, LLC

11 101 Marietta Street, Suite 3300

12 Atlanta, Georgia 30303

13 (404) 223-3310

14 Attorney for Defendant

15 *Admitted pro hac vice*
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which automatically serves the parties of record.

PATE, JOHNSON & CHURCH, LLC

/s/ Jess B. Johnson

Jess B. Johnson

Georgia Bar No.: 322066

Pate, Johnson & Church, LLC

101 Marietta Street, Suite 3300

Atlanta, Georgia 30303

(404) 223-3310

Attorney for Defendant

Admitted pro hac vice